

#### REMARKS

The Examiner has rejected claims 5, 7, 9, 10, 12-20, 24 and 25 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,199,099 to Gershman et al. in view of U.S. Patent Application Publication No. 2001/0045451 to Tan et al. Applicant acknowledges that the Examiner has found claims 21-23 allowable over the prior art of record.

The Gershman et al. patent discloses a system, method and article of manufacture for a mobile communication network utilizing a distributed communication network.

The Tan et al. publication discloses a method and system for token-based authentication.

The Examiner has indicated that "Gershman et al teach the method of controlling an appliance..."

Applicant would first like to note that it is difficult to determine what is the "appliance" in Gershman et al.

The Examiner states that Gershman et al. teaches "receiving, at the appliance, an address of an external relay server (Figures 10A and 10B, col. 30 line 55-col. 31 line 2..."

Applicant notes, however, that Gershman et al. indicates at col. 30, lines 50-55, that the customer accesses the Network with any Internet web browser running on a personal computer or a Personal Digital Assistant with wireless capability. As such, it appears that the "appliance" is the personal computer (or PDA).

The Examiner further states that Gershman et al. teaches "transmitting, from the appliance, a second request to a profile server corresponding to the profile address (col. 35 lines 20-45...".

However, Gershman et al. actually states that the user is carrying a Smart Card with a digital certificate uniquely identifying the user, and that the user checks in at a hotel, and the hotel "swipes" the Smart Card into the hotel computer.

The Examiner now states that Gershman et al. teaches "receiving, at the appliance, data from the profile server, based on the second request (col. 35 lines 20-45 and 51-60—receiving at the appliance data from the profile server" and "controlling the appliance in accordance with the user preference data (col.35 lines 20-45 and 51-60—controlling the appliance bases on the user preference data received from the user's profile)".

While this results in the user's profile information being sent to the hotel computer, Applicant submits that there is no disclosure or suggestion of controlling the appliance in accordance with the user preference data. If the "appliance" is the hotel computer, then surely, the hotel computer is not controlled by the user's preference data. However, Gershman et al. states, at col. 35, lines 22-31, "The hotel is then given access to a certain part of the consumer's profile that he has previously specified. The hotel can then retrieve all of the consumer's billing information as well as preferences for hotel room, etc. The hotel can also access the consumer's movie and dining preferences and offer customized menus for both of them. The hotel can offer to send an

email to the consumer's spouse letting him/her know the person checked into the hotel and is safe. All transaction information can be uploaded to the consumer's profile after the hotel checks him in."

Applicant submits that it should be clear from the above that the hotel (presumably a staff employee of the hotel) is performing the above tasks, i.e., making use of the consumer's profile. However, there is not disclosure that the user's preference data is controlling the "appliance", i.e., the hotel computer or any other appliance. Applicant would like to stress that in the subject invention, the "appliance" performing the transmitting and receiving steps is the same appliance that is being controlled based on the received user preference data..

While Tan et al. arguably discloses the claim 14 limitation "receiving, at the appliance, an address of an external relay server from a remote device", in that Tan et al. discloses receiving the address of an external access/web server from a smart card, Applicant submitst that Tan et al. does not supply that which is missing from Gershman et al., i.e., "controlling the appliance in accordance with the user preference data".

In view of the above, Applicant believes that the subject invention, as claimed, is not rendered obvious by the prior art, either individually or collectively, and as such, is patentable thereover.

Applicant believes that this application, containing claims 5, 7, 9, 10 and 12-25, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

by           /Edward W. Goodman/            
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